IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23637 of 2005

Between:

Janga Satish

..... PETITIONER

AND

Commissioner for Prohibition and Excise,

Govt of A.P., Nampally, Hyderabad and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in not disposing of the application of the petitioner for grant of Form 2B license at premises D.No.7A-15-7, Eluru under the name and style of M/s.Sudha Restaurant and Bar, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

The petitioner submits that he has filed an application before the 3rd respondent, requesting for sanction of Restaurant and Bar License at premises bearing D.No.7A-15-7, 31st Ward, Eluru by complying the requisite formalities, such as paying Rs.10,000/- by way of challan dated 27.06.2005, and submitting original registered lease deed, counterpart agreement and copies of blue print of the proposed premises, topo plan, trade license and No Objection certificate issued by the Municipal Commissioner Eluru, and the said application was enquired into by the concerned Excise officials and accordingly the Prohibition and Excise Superintendent, Eluru sent his recommendations to the Joint Commissioner (Head Quarters), Prohibition and Excise, A.P.Hyderabad vide Rc.No.1430/2005/A1, dated 28.06.2005. It is stated that the Prohibition and Excise Superintendent, West Godavari also inspected the premises along with local Excise officials on 28.06.2005 and found that the applicant has provided more than 100 metres Plinth area to the proposed Restaurant and Bar and also provided sanitary facilities, kitchen, store room, parking place etc., and there is no disqualification incurred by the petitioner and the population of Eluru Municipality is 2,15,804 as per 2001 census, and accordingly recommended for sanction of Restaurant and Bar License. But the 1st respondent has not taken any decision so far in spite of lapse of more than three months.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to consider and dispose of the application of the petitioner for sanction of Restaurant and Bar License, pursuant to the recommendations made by the 3rd respondent dated 28.06.2005, in accordance with law, within a period of 3 (three) weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 03.11.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr